

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FEB 10 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DAVID JONATHAN THOMAS,

No. 19-16089

Plaintiff-Appellant,

D.C. No. 3:13-cv-00508-RCJ-CBC

v.

MEMORANDUM\*

ISIDRO BACA, Warden; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Nevada  
Robert Clive Jones, District Judge, Presiding

Submitted February 4, 2020\*\*

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

Nevada state prisoner David Jonathan Thomas appeals pro se from the district court's orders denying his September 12, 2018 motion for a preliminary injunction and his motion for reconsideration of the denial of a preliminary injunction in his 42 U.S.C. § 1983 action alleging violations of the First

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Amendment and the Religious Land Use and Institutionalized Persons Act. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *Jackson v. City & County of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014) (denial of preliminary injunction); *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993) (denial of reconsideration). We affirm.

The district court did not abuse its discretion by denying Thomas's motion for a preliminary injunction because Thomas failed to establish that he is likely to succeed on the merits. See *Jackson*, 746 F.3d at 958 (plaintiff seeking preliminary injunction must establish that he is likely to succeed on the merits, he is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction is in the public interest).

The district court did not abuse its discretion by denying Thomas's motion for reconsideration because Thomas failed to demonstrate any basis for relief. See *Sch. Dist. No. 1J*, 5 F.3d at 1263 (grounds for relief under Rule 60(b)).

**AFFIRMED.**